

## STILLWATER COUNTY COMMISSIONERS MINUTES

**Notice:** These minutes reflect the proceedings of the Board of County Commissioners. The official minutes are on file with the Clerk and Recorder (MCA 7-4-2611(2)(b)).

### REGULAR MEETING APRIL 5, 2016

**Present:** Commissioners Dennis Shupak, Chair; Gerald W. Dell, Members; Lori Dobitz, Administrative Assistant. Commissioner Davey participated in the meeting via teleconference. Others Present: Jerry Friend, Treasurer; Will Patterson, Weed Coordinator; and Rick Hanners, Stillwater County News.

**Open Meeting:** Commissioner Dell opened the meeting at 9:00 am with the pledge to the flag.

**Minutes Approval:** Commissioner Dell **MOVED** to approve the minutes with corrections of the Regular Agenda Meetings of February 23, 2016. Commissioner Shupak **SECONDED**. Motion passed unanimously.

**Claims:** Commissioner Dell **MOVED** to approve Claim Checks No. 94788 through 94876 in the amount of \$ \$112,496.34 for the second half of March 2016. Commissioner Shupak **SECONDED**. Motion passed unanimously.

#### Commissioner Joining

**Meeting:** At this point in the meeting, Commissioner Davey joined the meeting via teleconference.

**Special Issues:** Stillwater River Road Rockslide: nothing new to report.

**Regular Business**

1. Absarokee Wastewater Project - Commissioner Dell **MOVED** to approve the TSEP Drawdown No. 1 in the amount of \$7,500 and DNRC Request for Funds No. 1 in the amount of \$5,000 for the draft Preliminary Engineering Report; Depository and Signature Certification forms, for the Absarokee Wastewater Project. Commissioner Davey **SECONDED**. Motion passed unanimously.
2. Weed District Board - REVISITED - Request to hire Weed District Temporary Employee. This item was tabled on a previous agenda. Commissioner Dell said following review of Roberts Rules of Order, he **MOVED** to take from the table this item to discuss. Commissioner Davey **SECONDED**. Motion passed unanimously. Discussion: Commissioner Dell said a letter dated March 30, 2016, from Will Patterson, Weed Coordinator. The letter stated he had met

with Joe Morse, Finance Specialist, as requested by the Commission. The Weed Budget has a balance of \$13,000 for a temporary employee. With an estimated start date of April 25, 2016, there will be a total of 320 hours worked until the fiscal year. This is \$5,424 leaving a balance of \$7,576 for an additional employee. Patterson estimated the additional employee would begin mid-May. Commissioner Dell **MOVED** to approve the request from the Weed Coordinator for the additional temporary employee. Commissioner Davey **SECONDED**. Motion passed unanimously.

3. Road Abandonment Theisen Road - Commissioner Dell read the draft Order 2016-12 to abandon a portion of Theisen Road (County Road #198Y) lying on the mutual border of Stillwater and Yellowstone Counties. Commissioner Davey **MOVED** to adopt **Order 2016-12**, granting the abandonment of Theisen Road. as petitioned. Commissioner Dell **SECONDED**. Discussion: Lori Dobitz, Administrative Assistant, informed the Commissioner that Yellowstone County notified Stillwater County on Monday, April 4, 2016, of their passage of a resolution adopting the same. Both documents will be filed with both Clerk and Records Offices. Order 2016-12 is filed under Document No. 365090 in Clerk and Records Office.

**File Items:**

1. Election Administrator - Park City Rural Fire District Trustee Election update
2. Stillwater Mining Company - East Boulder Annual Impact Monitoring Report 2015.

Commissioner Dell **MOVED** to place the file items to file. Commissioner Davey **SECONDED**. Motion passed unanimously.

**Public Comments:** Commissioner Dell reminded everyone of the Public Hearing to be held this evening at 6:00 PM, at the Spring Creek School House, located at 64 Spring Creek Road. The purpose of the hearing is to obtain public comments for a TSEP Project for the Spring Creek Bridge across the Stillwater River.

**Meeting Adjourned:** Hearing no further business, Commissioner Shupak adjourned the meeting at 9:12 AM.

**PUBLIC HEARING  
SPRING CREEK COMMUNITY HALL/SCHOOL  
APRIL 5, 2016 - 6:00 PM**

**Present:** Commissioner Gerald W. Dell, Member; Mark Schreiner and Randy Werdal, Road & Bridge; Karl Yakowich, Great West Engineering. Others present: Bill Flanagan, Geri DeVilbiss, John Noe, Corey Arnold, Larry Arnold, Clyde

Windecker, Bill Mytton, Scot Yanzick, Craig Hart, Theo Yanzick, Bruce Yanzick, Ronis Yanzick, Corky Hedrick, Clarice Hedricks, and Joe Kern.

**Opened Hearing:** Commissioner Dell opened the hearing at 6:00 PM with introductions of Staff and Great West Engineering. He explained that Stillwater County is preparing an application for a Treasure State Endowment Program (TSEP) Grant from the Montana Department of Commerce (DOC). A sign-in sheet and handout with the Draft Environmental Assessment (EA) and pertinent project information is provided to those in attendance. Extra copies can also be obtained via email.

Karl Yakawich with Great West Engineering explained the following:

1. TSEP Grants are competitive grants for Bridge, water and sewer projects
  - (a) Interest earnings from Coal Severance taxes (\$15+ million available). Very competitive with up to 20% of funding allocated to bridge projects.
  - (b) Dollar for Dollar match 50/50, up to \$500,000
  - (c) Scoring based on seven Statutory Priorities for the Grant
    - (i) Health and Safety
    - (ii) Financial Need
    - (iii) Design
    - (iv) Planning
    - (v) Funding Package Viability
    - (vi) Economic Development
    - (vii) Community support
2. Stillwater County is responsible for maintaining 35 bridges in the county. The Spring Creek Bridge has been on the radar for several years due its load limit and narrowness.
  - (a) Existing posting (15 tons) does not allow safe passage of heavier emergency equipment, county road maintenance equipment, commercial truck traffic, etc.
  - (b) Existing bridge does not allow for two-way travel or oversized vehicles.
  - (c) Bridge serves as the primary access for 16 full time residences, including 8 ranches. Estimated traffic volume of 250 vehicles per day.
  - (d) School bus and mail route.
  - (e) 18-mile detour route which is inadequate if this bridge were to close. Detour route not a feasible route for heavy or long trucks.
3. TSEP grants are a state action subject to the Montana Environmental Policy Act (MEPA). As required by the MEPA and DOC regulations, Stillwater County has prepared a *draft* Environmental Assessment (EA) that evaluates the potential environmental effects and consequences of the proposed project.

#### Environmental Mitigation Summary

Spring Creek Bridge is proposed to be replaced with a three-span

(145' span) concrete beam structure. The three span bridge minimizes the roadway/deck elevation over a single span option. All necessary stream permits will be acquired prior to construction and the contractor will be required to abide by the conditions set forth by these permits.

The bridge is located in a mapped Zone AE Federal Emergency Management Agency (FEMA) floodplain; thus, a County Floodplain Development Permit will be required. Jason Rhoten, FWP Fisheries Biologist notes, because Stillwater River is known to support a Brown Trout population, in-stream construction will be restricted to the period between July 1 and October 15 to avoid impacts to spawning brown trout.

There is no known lead based paint or asbestos at this site. However, recent requirements from Montana DEQ require an inspection for asbestos from an accredited inspector prior to any demolition taking place. This inspection may be waived depending on the bridge structure components.

After the hearing, all comments will be reviewed and considered and Stillwater County will decide that either:

1. An Environmental Impact Statement (EIS) is necessary;
2. The Environmental Assessment did not adequately reflect the issues raised by the proposed action and must be revised; or
3. An EIS is not necessary, and make a final decision on the proposed action (submitting the application for TSEP funding).

It is recommended that an EIS is not necessary and the EA is adequate level of analysis for this project. A resolution will be considered by the Commission at a subsequent agenda meeting.

Commissioner Dell indicated that Stillwater County has been working with the TSEP program for over ten years having replaced 21 bridges. The program has been great for the county. Letters of support are encouraged for this project. Be sure to indicate how you use the Spring Creek Bridge. Letters of support can be sent directly to the commission. The commission will also be holding another hearing on this project on April 12<sup>th</sup> at the courthouse.

Schedule for this project starts with the TSEP grant submittal on May 6, 2016. If successful, the funding would likely be available in late 2017 leading to construction occurring in 2018. The project cost is estimated at \$1,000,000 with \$500,000 from the TSEP program and the remaining funds from the County. The county may use their crews for road work as a soft match.

**Comments and  
Questions:**

Commissioner Dell and Karl Yakawich responded to the following:

1. How much weight will the new bridge carry? The new bridge will be able to handle legal loads, which is over 40 tons.

2. Will a skew on the new structure be considered? Yes, after funding is secured and during the final design stage a survey will be completed and the new structure will be laid out. Skew of the new structure will be considered at that stage.
3. Will the new bridge be built in existing county road easement? The new bridge is anticipated to be built within the existing 60' easement/right-of-way. During the final design stage a survey will be completed and the new alignment will be finalized with input from adjacent property owners. During construction a temporary detour bridge will provide access. This detour bridge will likely be located outside the existing road easement, requiring a construction agreement with the landowner.
4. Is a single lane bridge possible? The new bridge is proposed as a two lane bridge providing a 24' wide useable width. This meets County Standards for new bridges.
5. Using the North Stillwater Road and the Johnson Bridge is not a feasible detour due to load limits and length. A detour bridge will likely be utilized during construction due to the infeasible detour routes.
6. With uncertainty in future funding in the coal tax trust fund, will funding be available for this bridge? This is a valid concern moving forward in subsequent years, as a decrease in the coal tax trust fund principal could affect future earnings, which would affect the TSEP program. However, funding for this round of 2016 TSEP grants is expected to not be affected.
7. What is the status of the Johnson Bridge? The Johnson Bridge located downstream of this bridge and posted at 4-tons would not be constructed until 2020 or later. The Johnson Bridge project is being administered by MDT under their secondary roads/off-system bridge replacement program. During construction of the Johnson Bridge, the Spring Creek bridge would serve as a detour route. Residents indicated they did not know about the Johnson Bridge meeting that occurred in December 2015. That meeting was scheduled by MDT and advertised in the Stillwater News and the Billings Gazette. Residents encouraged the use of email notification for future Johnson Bridge meetings.
8. The new bridge should provide better clearance for floods. During high flows minimal clearance is available and floaters often have to duck when floating under. Yes, the proposed structure will provide

additional flood capacity and freeboard.

**Close Hearing:** Commissioner Dell reminded the group a second public hearing that will be held on April 12, 2016, to address the Grant Application and Preliminary Engineering Report for the Spring Creek Bridge Replacement. Hearing no further comments, Commissioner Dell closed the hearing at 6:55 P.M.